

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al., \*  
\*  
Plaintiffs, \*  
\*  
v. \* 05-CV-0329 GKF-PJC  
\*  
TYSON FOODS, INC., et al., \*  
\*  
Defendants. \*

\*\*\*\*\*

VIDEO DEPOSITION OF LIZ WEATHERLY

\*\*\*\*\*

ANSWERS AND DEPOSITION OF LIZ WEATHERLY, produced as a witness at the instance of the Defendants Cargill, Inc. and Cargill Turkey Production, LLC, taken in the above-styled and -numbered cause on the 9th day of April, 2009, A.D., beginning at 1:01 p.m., before Lisa Smith, a Certified Shorthand Reporter in and for the State of Texas, in the offices of Rhodes, Hieronymus, Jones, Tucker & Gable, PLLC, located at 100 West Fifth Street, Suite 400, Tulsa, Oklahoma, in accordance with the Federal Rules of Civil Procedure and the agreement hereinafter set forth.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

MR. BRIAN S. WILKERSON

Riggs, Abney, Neal, Turpen, Orbison & Lewis, PC

502 West Sixth Street

Tulsa, Oklahoma 74119-1010

(918) 587-3161

(918) 587-9708 (Fax)

FOR THE DEFENDANTS CARGILL, INC. AND CARGILL TURKEY  
PRODUCTION, LLC:

MS. THERESA N. HILL

Rhodes, Hieronymus, Jones, Tucker & Gable, PLLC

100 West Fifth Street, Suite 400

Tulsa, Oklahoma 74103-4287

(918) 582-1173

(918) 592-3390 (Fax)

FOR THE DEFENDANTS GEORGE'S, INC. AND GEORGE'S FARMS,  
INC.:

MS. JENNIFER LLOYD

Bassett Law Firm, LLP

221 North College Avenue

Fayetteville, Arkansas 72702

(479) 521-9996

FOR THE DEFENDANT SIMMONS FOODS, INC:

MR. BRUCE W. FREEMAN

Conner & Winters, LLP

4000 One Williams Center

Tulsa, Oklahoma 74172

(918) 586-8553

(918) 586-8652 (Fax)

FOR THE DEFENDANT PETERSON FARMS, INC:

MR. CRAIG A. MIRKES

McDaniel, Hixon, Longwell & Acord, PLLC

320 South Boston Avenue, Suite 700

Tulsa, Oklahoma 74103

(918) 382-9200

(918) 382-9282 (Fax)

Liz Weatherly

April 9, 2009

3

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALSO PRESENT:

ANN DAVIS - Videographer

Liz Weatherly

April 9, 2009

6

## P R O C E E D I N G S

(Exhibit Nos. 1 through 3 were marked.)

THE VIDEOGRAPHER: This is Tape No. 1 to the videotaped deposition of Liz Weatherly in the matter of State of Oklahoma versus Tyson Foods being heard before the U.S. District Court for the Northern District of Oklahoma, Case No. 05-CV-0329 GKF-PJC. This deposition is being held at 100 West Fifth, Suite 400, Tulsa, Oklahoma on 4/9/2009 at 1:01 p.m. My name is Ann Davis. I am the videographer. The court reporter is Lisa Smith.

Counsel will please introduce yourselves and affiliations and the witness will be sworn.

MS. HILL: Theresa Hill for Cargill, Inc. and Cargill Turkey Production, LLC.

MS. LLOYD: Jennifer Lloyd for George's, Inc.

MR. MIRKES: Craig Mirkes for Peterson Farms.

MR. FREEMAN: Bruce Freeman for Simmons.

MR. WILKERSON: And Brian Wilkerson for Plaintiffs.

LIZ WEATHERLY,  
having been first duly sworn, testified as follows:

## EXAMINATION

BY MS. HILL:

Q. Shall I call you Ms. Weatherly; is that fine?

A. That's fine.

1 (Exhibit No. 8 was marked.)

2 I'm gonna hand you what the court reporter  
3 has marked as Exhibit No. 8. I'm gonna represent to you  
4 those are a compilation of exhibits that we found your name  
5 on as well as location or a farm that may have been  
6 associated with Cargill.

7 A. Okay.

8 Q. I'm gonna go through these rather quickly and ask  
9 you the same types of questions individually on each about  
10 whether you were involved and whether you have any  
11 independent recollection of -- of this observation other  
12 than what's noted here. So take a look at them and then we  
13 can start page by page when you're ready.

14 A. Okay.

15 Q. Page 1 of Exhibit No. 8 is OK-PL-0001928. Were  
16 you involved in this observation?

17 A. Yes.

18 Q. Did you make the notes on this observation?

19 A. Yes.

20 Q. Do you have any independent recollection of this  
21 observation?

22 A. No.

23 Q. Was this just a routine observation to determine  
24 whether this was an active operation or not?

25 A. That is correct.

Liz Weatherly

April 9, 2009

78

1 Q. Nothing unusual noted on this form?

2 A. Not on this one.

3 Q. Let's turn to the next page, OK-PL-0002487. Were  
4 you involved in this observation?

5 A. Yes.

6 Q. And is this your handwriting on these notes?

7 A. Yes.

8 Q. And do you have any independent recollection of  
9 this observation other than the notes here?

10 A. No.

11 Q. And was this again just a routine observation to  
12 determine whether this operation was active or not?

13 A. Yes.

14 Q. Nothing unusual noted on this form?

15 A. No.

16 Q. Let's go on to the next form, OK-PL-0002870. And  
17 were you involved in this observation?

18 A. Yes.

19 Q. And did you make the notes on this observation?

20 A. Yes.

21 Q. Do you have any independent recollection of this  
22 observation?

23 A. No.

24 Q. And again, was this part of the assignment to  
25 determine whether these were active houses or not?

Liz Weatherly

April 9, 2009

79

1 A. Yes.

2 Q. And was there anything unusual noted on this form?

3 A. No.

4 Q. Okay. Okay. Let's go to the next form, which is  
5 OK-PL-0002996. And were you involved in this observation?

6 A. Yes.

7 Q. And did you make the recordings on this  
8 observation?

9 A. I did.

10 Q. Do you have any independent recollection of  
11 Cargill Breeder Farm No. 1?

12 A. No.

13 Q. And you weren't able to make any observations from  
14 the public access point; is that correct?

15 A. That's correct. We weren't.

16 Q. Let's take a look at the next form. It's  
17 OK-PL-0003345. And were you involved in this observation?

18 A. Yes.

19 Q. Did you make the notes on this observation?

20 A. Yes.

21 Q. What do the notes say there?

22 A. Gone.

23 Q. So you've determined that there was not an active  
24 operation at this location?

25 A. That's correct.

Liz Weatherly

April 9, 2009

80

1 Q. Your partner couldn't read your writing on that  
2 one so I had to ask you.

3 A. Okay.

4 Q. OK-PL-0003357, were you involved in this  
5 observation?

6 A. Yes.

7 Q. And did you make the recording of this observation  
8 on this page here?

9 A. I did.

10 Q. And again, was this part of the project to  
11 determine whether this operation was active or not?

12 A. Yes.

13 Q. Anything unusual noted on this observation?

14 A. No.

15 Q. Page OK-PL-0003425, were you involved in this  
16 observation?

17 A. Yes.

18 Q. And did you make the recording on this  
19 observation?

20 A. Yes.

21 Q. Do you have any independent recollection of this  
22 observation?

23 A. No.

24 Q. And anything unusual noted about this observation?

25 A. This one says there's a little bit of roof damage,



Liz Weatherly

April 9, 2009

81

1 but for the most part, was in good condition and that it  
2 appeared operational. So other than that, no.

3 Q. Go on to the next form, which is OK-PL--003823.

4 And were you involved in this observation?

5 A. Yes.

6 Q. Did you make the notes on this observation?

7 A. I did.

8 Q. And the purpose of this observation was to  
9 determine whether this farm was operational or not?

10 A. Yes.

11 Q. And what did you conclude?

12 A. Appears operational.

13 Q. And is there any other notations there?

14 A. Yes. That it had a Honeysuckle sign and that the  
15 curtains were up and it had silos.

16 Q. Okay. Let's go to the next form, OK-PL-0003835.

17 Were you involved in this observation?

18 A. Yes.

19 Q. And you took the notes on this observation?

20 A. I did.

21 Q. And was this observation made for the purpose of  
22 determining whether this farm was operational or not?

23 A. Yes.

24 Q. Anything unusual noted in this observation?

25 A. No.

Liz Weatherly

April 9, 2009

82

1 Q. The next form is OK-PL-0003854. Were you involved  
2 in this observation?

3 A. Yes.

4 Q. And did you make the notes on this observation?

5 A. Yes.

6 Q. Do you have any independent recollection of the  
7 Fendal farm?

8 A. No, I do not.

9 Q. And was this observation made to determine whether  
10 the -- this operation was active or not?

11 A. Yes.

12 Q. Anything unusual noted in the notes here?

13 A. No.

14 Q. The next form is OK-PL-0003856. Were you involved  
15 in this observation?

16 A. Yes.

17 Q. Did you take the notes on this observation?

18 A. Yes.

19 Q. And was this observation for the purpose of  
20 determining whether this operation was active or not?

21 A. Yes.

22 Q. And anything unusual noted in this observation?

23 A. No.

24 Q. Do you have any independent recollection of the  
25 Carol Wallace farm?

Liz Weatherly

April 9, 2009

83

1 A. No, I do not.

2 Q. This is form OK-PL-0003862. Were you involved in  
3 this observation?

4 A. Yes.

5 Q. And you made the notes on this observation?

6 A. Yes, I did.

7 Q. Do you recall -- have any independent recollection  
8 of this Fendal farm?

9 A. No, I do not.

10 Q. Do you know whether this is the same Fendal farm  
11 as the prior note where we looked at Fendal? I'll have to  
12 find the Bates number. It was two before OK-PL-0003854.

13 A. They could have been adjoining. The time -- the  
14 date and time show that they're pretty close and also their  
15 GPS is close, so it may be like adjacent farms. I don't  
16 know.

17 Q. Do you know --

18 A. It has the same name on it.

19 Q. -- if this is an instance where you observed the  
20 name or would you been given the name of the farm  
21 beforehand?

22 A. On these, I believe this is where we went through  
23 and wrote down what we saw, what type of farm it was, if we  
24 could determine that it had the individual name or a  
25 mailbox and an address. I think this was our beginning

Liz Weatherly

April 9, 2009

84

1 parts. And especially with the date in 2005, we were still  
2 working on that intel.

3 Q. Nothing unusual noted on this note on the Fendal  
4 farm?

5 A. No.

6 Q. The last pages, OK-PL-0005008, does this look like  
7 your handwriting?

8 A. Yes, it is.

9 Q. All right. What was the purpose of taking this  
10 handwritten note?

11 A. It was probably before they gave us these  
12 handy-dandy little forms to check out and make it easier on  
13 us.

14 Q. At the bottom note, it looks like you observed a  
15 Honeysuckle turkey farm.

16 A. Uh-huh, yes.

17 Q. Do you have any independent observation -- any  
18 independent recollection of this observation other than the  
19 notes that are there?

20 A. No, I do not.

21 Q. The spreader loaded and rolling, was that  
22 something that you were asked to look for and document?

23 A. Yes.

24 Q. Okay. On all of these observations that we looked  
25 at here in Exhibit 8, on some of them I asked you and some

Liz Weatherly

April 9, 2009

85

1 I did not. So for purposes of the record, do you have any  
2 independent recollection of any of these observations other  
3 than what is contained in the note?

4 A. No, I do not.

5 Q. Do you have any independent recollection of any  
6 activity of a grower who grew turkeys for Cargill or  
7 Honeysuckle White?

8 A. No, I do not.

9 Q. Do you have any independent recollection of any  
10 turkey growers?

11 A. No, I do not.

12 Q. Do you have any independent knowledge of -- of  
13 Cargill, Inc. or any of their employees?

14 A. No, I do not.

15 Q. Have you ever spoken to anyone from Cargill?

16 A. No, I have not.

17 Q. Before we mark this as an exhibit, I want you just  
18 to take a look at it and let me know if that's your  
19 handwriting or if you know what that form is.

20 A. That is not my handwriting.

21 Q. Okay. Let's mark this as Exhibit No. 9.

22 (Exhibit No. 9 was marked.)

23 I'm gonna hand you what is now marked as  
24 Exhibit No. 9. At the bottom of this form, there's a  
25 notation that all of the above is true and accurate to the